

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

FILED
U.S. BANKRUPTCY COURT
2012 AUG 23 PM 12:03

In Re:
PEDRO JOSE BURGOS

41301
CASE No: 11-~~474301~~-JTL
Chapter 7

MIDDLE DISTRICT
OF GEORGIA
COLUMBUS

Debtor,

WELLS FARGO BANK, N.A., AS TRUSTEE
FOR OPTION MORTGAGE LOAN
TRUST 2003-1, ASSET-BACKED
CERTIFICATES, SERIES 2003-1,
Movant,

vs.

WALTER W. KELLEY,
Chapter 7 Trustee
and
PEDRO JOSE BURGOS
Debtor/Respondent,

**AMENDED Objection to Motion Seeking Relief From Stay Pursuant to
11 USC section 362(d), Federal Rule 901 Authenticating or Identifying
Evidence, Federal Rule 1003 Admissibility of Duplicates, Federal Rule
17(a) Real Party In Interest, and Best Evidence Rule.**
(Amended to Include Additional Exhibits)

Notice

I am not an ATTORNEY, not skilled in law, not licensed to practice and not a member of the Georgia Bar or any other BAR Association. With all rights reserved and I waive none of my rights not to be compelled to perform on any contract or commercial agreement that I did not enter into knowingly; voluntarily; and intentionally or intelligently.

Response to Number 1.

11 USC section 362(d)

d) On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay—

- (1) for cause, including the lack of adequate protection of an interest in property of such party in interest;
- (2) with respect to a stay of an act against property under subsection (a) of this section, if—
 - (A) the debtor does not have an equity in such property; and
 - (B) such property is not necessary to an effective reorganization;

USC section 362(d)

- 1. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 **is not** a real party of interest pursuant to 11 USC 362(d).
- 2. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 **is not** the creditor pursuant to the Deed of Trust. (SEE EXHIBIT A – DEED OF TRUST)
- 3. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 **is not** the creditor pursuant to the Transmittal Summary Report that can be obtained from Quest Title In Escrow located at 9332 Annapolis Road Suite 310 Lanham Maryland 20706.
- 4. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 **is not** a real party of interest pursuant to the Pooling & Servicing Agreement filed with the Security Exchange Commission. (SEE EXHIBIT D – POOLING AND SERVICING AGREEMENT)
- 5. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 by and through it counsel has not be honest with this court about it's standing, capacity and interest according to it's own documents it presented before this court.
- 6. PEDRO JOSE BURGOS has filed a complaint with the Office of Comptroller, Federal Bureau of Investigation Mortgage Fraud Investigation, FBI Headquarters and the IRS by way of the form 3949A.

11 USC section 362(d)(1)

- (1) for cause, including the lack of adequate protection of an interest in property of such party in interest;
 - 7. "PEDRO BURGOS" is the Grantor of this trust according to the land records in Muscogee County.
 - 8. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 closing date according to the Pooling and Servicing Agreement was January 15, 2003. (SEE EXHIBIT D – POOLING AND SERVICING AGREEMENT p.12)
 - 9. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 has no claim to foreclose because the TRUST was terminated on January 21, 2004, according to the Form 15 filed with the Securities and Exchange Commission. (SEE EXHIBIT E – FORM 15)
- 10. UNITED STATES SECURITIES AND EXCHANGE COMMISSION filed a complaint in UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF

CALIFORNIA WESTERN DIVISION for violations of the FEDERAL SECURITIES LAWS. (SEE EXHIBIT F)

11. OPTION ONE MORTGAGE CORPORATION converted the NOTE to a SECURITY. Therefore, the NOTE can't be handled as an Article 3 document but as an Article 8 document.

Response to Number 2.

Plaintiffs incorporate herein by reference the responses made in Number 1 which is 1-7 , inclusive, as though fully set forth herein.

1. The creditor/lender on the Deed of Trust is Option One Mortgage Corporation.
2. A credit according to the Fair Debt Collection Act Section 803 is defined as such: "creditor" as "any person who offers or extends credit creating a debt or to whom a debt is owed, but such term does not include any person to the extent that he receives an assignment or transfer of a debt in default solely for the purpose of facilitating collection of such debt for another."
3. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 **is not** the creditor as claimed by and through their counsel Deborah Holloway Hill, Morris, Hardwick, Schneider, LLC.
4. Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 **is not** the secured creditor. (SEE EXHIBIT A – DEED OF TRUST)
5. The claim is not based on a certain note dated December 20, 2002 in the principle amount of \$133,000.00.
6. The note does not state Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1.
7. The note does state that Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 as the creditor/lender.
8. The Deed of Trust does not state Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, pursuant he Deed of Trust. (SEE EXHIBIT A – DEED OF TRUST)
9. Repayment of said Note is **NOT** secured by that certain Deed of Trust (NOT Deed of Contract) dated December 20, 2002exhib and recorded among the land records of Muscogee County, Georgia by "PEDRO BURGOS" as stated Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1.
10. The Deed of Trust is not recorded pursuant to the deed of trust.
11. The Deed of Trust points to Option One Mortgage Corporation.
12. The note that was submitted as evidence points to Option One Mortgage Corporation not to "Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1".
13. A certified copy of the Note is not attached.
14. Please see their own Exhibit B which is a note numbered 1 of 2 at the bottom.

15. The allonge to this note (SEE EXHIBIT C – ALLONGE TO NOTE) is endorsed BLANK.
Therefore the possessor of the original note is the only person can enforce the note. The petitioner has not produced the original note.
16. The note is in compliance with UCC 3-301.
17. "PEDRO BURGOS" disputes this note and his signature and invokes his right to the federal best evidence rule and is requiring the original note for adequate assurance.
18. "PEDRO BURGOS" objects to this evidence pursuant to Federal Rule 901 Authenticating or Identifying Evidence and Federal Rule 1003 Admissibility of Duplicates.
19. "PEDRO BURGOS" object pursuant to Federal Rules 17(a) Wells Fargo Bank, N.A., as Trustee for Option One Mortgage Loan Trust 2003-1, Asset-Backed Certificates, Series 2003-1 is not a part of the note and is not the real party in interest according to their own exhibits they presented to this court.

DATE: August 23, 2012

By: 
PEDRO BURGOS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY and affirm under the penalties of perjury that I sent a copy of the foregoing pleadings via first class mail, postage paid, on this 23th day of August, 2012:

Brandi R. Lesesne
Johnson & Freeman, LLC
1587 Northeast Expressway
Atlanta, GA 30329

Walter W. Kelley
Chapter 7 Trustee
P.O. Box 70879
Albany, GA 31708

DATE: August 23, 2012

By: 

PEDRO BURGOS